

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

District of

MASSACHUSETTS

Peter K. Frei

V.

SUMMONS IN A CIVIL CASE

Town of Holland et al

CASE NUMBER: 04-30070-KPN

TO: (Name and address of Defendant)

Benjamin Haller  
7 Bell Street  
MONTCLAIR, NJ 07042-2232

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Peter K. Frei  
P.O.Box 500  
BRIMFIELD, MA 01521-0500  
phone: 413 245 4660

an answer to the complaint which is served on you with this summons, within twenty days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

TONY ANASTAS

CLERK

DATE

4/21/04

(By) DEPUTY CLERK

AO 440 (Rev. 8/01) Summons in a Civil Action

## RETURN OF SERVICE

Service of the Summons and complaint was made by me<sup>(1)</sup>

DATE

20 June 2004

NAME OF SERVER (PRINT)

Mary Ripley

TITLE

n.a.

Check one box below to indicate appropriate method of service

☐ Served personally upon the defendant. Place where served:7 Bell St., Apt. 312.  
Montclair, NJ 07042☒ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left:

Kate (daughter of defendant)

☐ Returned unexecuted:☐ Other (specify):

## STATEMENT OF SERVICE FEES

TRAVEL 8 hours, 330 miles,

8 x \$15 = \$120 330 x \$.35 = \$115.50

SERVICES

TOTAL

235.50

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on 20 June 2004

Date

Signature of Server

488 Main St., Wilbraham, MA 01095

Address of Server

Note: Attempt to serve by Essex County Sheriff's  
Office failed - see attached copy of document  
"Proof of Service."

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

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OFFICER. . . . .

TYPE OF EXECUTION. . . . .

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TOWN/STATE ZIP .....

[illegible]

ONLY PERSONALLY DELIVERED TO THE ADDRESSEE  
ONLY LEFT WITH:  
COMPETENT HOUSEHOLD MEMBER 18 OR 14 YEARS OLD  
PREPARED THEREIN  
OTHER:

PERSON SERVED

IF IN THE BILL, A.M. NEW 11 THE QUANTITY

[illegible]

Sworn to and subscribed before me  
this 27th day of July 2004  
*Lee P. Viscito*  
LEE P. VISCI  
NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires March 1, 2005

ALEXANDRO P. BONTOLUO  
ALFRED COUNTY CHAIRMAN  
BY: *[Signature]*

ADDRESSES: ALFRED COUNTY UNIVERSITY  
STATE OF NEW JERSEY

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO.04-30070KPN

Peter K. Frei,  
Plaintiff,  
  
v.  
  
TOWN OF HOLLAND, et al,  
Defendant(s)

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AFFIDAVIT

Mary Ripley on penalty of perjury and in accordance with Federal Rules of civil Procedure, Rule 4(1), certifies that the following affidavit and all facts stated herein are true and correct:

1. Mary Ripley served personally upon Kate, daughter of Benjamin Haller, at his residence at 7 Bell Street, Apt. 312, Montclair New Jersey, a copy of the complaint in the above captioned matter, together with a copy of the Summons and attachments.
2. Mary Ripley has personal knowledge of all the facts stated in this Affidavit, and the facts stated in the Summons issued to Benjamin Haller under "RETURN OF SERVICE", and other attachments. If called as witness, Mary Ripley could testify competently thereto.
3. Mary Ripley is not a party in the above captioned matter.

This statement made under oath on June 22, 2004.

Respectfully submitted by  
Mary Ripley

*Mary G. S. Ripley*

488 Main Street  
Wilbraham, MA 01095  
phone: 413 596 8416